



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Early Learning (DEL)

Subject of possible rule making:

Requirements regarding administration of hand sanitizers in licensed child care for children over twelve months old with a parent's or guardian's written permission. The Department of Early Learning is planning to amend WAC 170-151-230 (school age child care), 170-295-3060 (child care centers), and 170-296-0870 (family home child care), and may revise or adopt other related sections if appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.215.200; Chapter 43.215 RCW

Reasons why rules on this subject may be needed and what they might accomplish: The rules are needed to help protect the health and safety of children in DEL-licensed child care. The current worldwide outbreak of the H1N1 influenza virus has caused the World Health Organization to issue a Phase 6 pandemic flu alert. The state Department of Health (DOH) has filed emergency rules directing heightened vigilance regarding H1N1 monitoring, and the Secretary of Health has urged DEL to file emergency rules allowing alcohol-based hand sanitizer gels to be used in child care facilities. DEL filed such emergency rules and now intends to make the rules permanent.

DEL rules referenced above set requirements for administering prescription and non-prescription medications to children in licensed child care. The U.S. Food and Drug classifies alcohol-based and similar hand sanitizer products as "over-the-counter (OTC) drugs," which are considered non-prescription medications under DEL rules. Unless a non-prescription medication is specifically listed as allowed for administration with parent or guardian permission, the child care center and school age center rules require a physician's written authorization specific to each child. This requirement is a barrier to using OTC hand sanitizer gels, which, in conjunction with hand washing with soap and warm water, can help reduce the spread of H1N1, other flu viruses, and other communicable diseases in child care settings. Hand sanitizers will also be listed in family home child care rules as a non-prescription medication that may be administered for children over twelve months of age with a parent's or guardian's written permission.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

No federal agencies regulate the use of hand sanitizers in child care settings, although the Centers for Disease Control issues guidance materials. DEL is working closely with DOH on the proper use and safeguards for using hand sanitizer gels in child care, especially with toddlers and preschool-age children.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) Time permitting, DEL will circulate draft materials for comment before filing a formal proposed rule.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested persons may join an e-mail or postal mail list to receive draft material and other notices about this rule by e-mailing Rules@del.wa.gov, by calling 360-725-4397, or by writing to the DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970. Information will also be posted on the DEL Web site at <http://www.del.wa.gov/default.aspx>.

DATE

10/22/09

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SIGNATURE

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TITLE

Director

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